

REMARKS

In the Office Action of June 30, 2008, claims 10-30, 32-36, 38-42, and 44-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,748,655 (“Thrower”).

Claim 10 is amended herewith to incorporate the limitations of claim 11. Applicant submits that Thrower does not teach a transceiver that can communicate with two different networks and participate as a master on one of the networks. Instead, Figure 2 of Thrower shows a multi-channel gateway unit 15 that includes two transceivers. Transceiver 26 communicates with a base station network and transceiver 20 communicates with personal telephones 11. So Thrower doesn’t show a single transceiver that can communicate with two different networks and participate as a master on one of the networks. Therefore, claim 10 as amended, and claims 12-17, 26, 29 and 30 depending therefrom, are not anticipated by Thrower.

Claim 18 is amended herewith to incorporate the limitations of claim 19. Applicant submits that claim 18 as amended, and claims 20-25, 32, 35 and 36 depending therefrom, are not anticipated by Thrower for the reasons set forth above with respect to claim 10.

Claim 27 is amended herewith to incorporate the limitations of base claim 10. Applicant submits that Thrower does not teach that the multi-channel gateway unit 15 synchronizes communications of a second wireless network device (such as a personal telephone 11) participating on the radio network. Therefore claim 27 as amended is not anticipated by Thrower.

Claim 33 is amended herewith to incorporate the limitations of base claim 18. Claim 46 is amended herewith to incorporate the limitations of base claim 38. Claims 33 and 46 as amended are largely similar to claim 27 as amended. Applicant submits that claims 33 and 46 as amended are not anticipated by Thrower for the reasons set forth above with respect to claim 27.

Claim 28 is amended herewith to incorporate the limitations of base claim 10. Applicant submits that Thrower does not teach that the multi-channel gateway unit 15 manages communications of a second wireless network device participating on the radio network with a third wireless network device participating on the radio network. That is, Thrower does not

teach that the multi-channel gateway unit 15 manages communications between two personal telephone units 11. Therefore claim 28 as amended is not anticipated by Thrower.

Claim 34 is amended herewith to incorporate the limitations of base claim 18. Claim 47 is amended herewith to incorporate the limitations of base claim 38. Claims 34 and 47 as amended are largely similar to claim 28 as amended. Applicant submits that claims 34 and 47 as amended are not anticipated by Thrower for the reasons set forth above with respect to claim 28.

Claim 38 is amended herewith to incorporate the limitations of claim 44. Claim 44 as amended indicates that all of the functionality of claim 38 is included in a single integrated circuit. The Examiner asserts that Figure 2 of Thrower teaches an integrated circuit per amended claim 38. Applicant submits that Thrower in fact fails to teach that the multi-channel gateway unit 15 of Figure 2 of Thrower is included in a single integrated circuit. Therefore, claim 38 as amended, and claims 39-43, 45, and 48-50 depending therefrom, are not anticipated by Thrower.

Claims 31, 37, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thrower in view of U.S. Patent No. 6,006,100 (“Koenck”). The priority claim is amended herewith to remove the claim of priority to various prior applications. Among the prior applications that is removed from the priority claim is U.S. Application No. 08/239,267, which issued as U.S. Patent 6,006,100. The 6,006,100 patent shares inventors in common with the instant application, namely Ronald L. Mahany, Alan G. Bunte, and Guy J. West. Although the 6,006,100 patent is removed from the priority claim with the present Amendment, the 6,006,100 patent is not prior art to the instant application because, to the extent that the 6,006,100 patent teaches the subject matter claimed in the instant application, said subject matter was invented by the inventors named in the present application. This fact is attested to in the attached Declaration by Guy J. West under 37 CFR 1.132. Furthermore, attached as Appendix B to said 37 CFR 1.132 declaration is a copy of an Engineering Development and Record Log (#275) that was prepared and signed by Ronald L. Mahany, which is dated September 21, 1989 – September 29, 1989. Said Engineering Development and Record Log (#275) discloses the invention as claimed in the independent claims of present application. This Engineering Development and Record Log shows that, to the extent that the 6,006,100 patent teaches the subject matter claimed in the

instant application, said subject matter was invented by the inventors named in the present application. Note that Mr. Mahany is now deceased.

According to § 716.10 of the Manual of Patent Examining Procedure, “When subject matter, disclosed but not claimed in a patent application filed jointly by S and another, is claimed in a later application filed by S, the joint patent or joint patent application publication is a valid reference available as prior art under 35 U.S.C. 102(a), (e), or (f) *unless overcome by affidavit or declaration under 37 CFR 1.131 showing prior invention or an unequivocal declaration by S under 37 CFR 1.132 that he or she conceived or invented the subject matter disclosed in the patent or published application.*” In the case of *In re DeBaun*, the United States Court of Customs and Patent Appeals held that an uncontradicted “unequivocal statement” from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982), as cited in MPEP § 716.10. Therefore, Applicant submits that the declaration under 37 CFR 1.132 submitted herewith is sufficient to overcome the rejection based on the 6,006,100 patent. Thus Applicant submits that claims 31, 37, and 51 as amended are not obvious in view of Thrower in combination with Koenck 6,006,100.

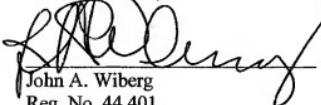
In view of the foregoing, Applicant respectfully requests allowance of claims 10, 12-18 and 20-43 and 45-51.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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